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## DAUGHERTY TO FIGHT BUILDING COMBINES

Will File Suit Against Material Interests in This City.

## WARNINGS UNHEEDED

Proceedings Are Outgrowth of Probe by Lockwood Committee.

## IS FORMULATING PLANS

Similar Actions to Be Brought in Other Places Where Anti-Trust Law Is Broken.

Special Despatch to THE NEW YORK HERALD, New York Herald Bureau, Washington, D. C., June 21.

Decision to conduct an active Government fight against open price associations in which methods are used to bring about price fixing and other practices which destroy competition was announced to-night by Attorney-General Daugherty.

Attorney-General Daugherty said the Government's first step in the drive to stop practices which he states are contrary to the anti-trust laws will be the filing of a Government suit against building material interests in New York City.

He announced that plans of the Department of Justice in that direction are now under discussion in a conference at New York between Assistant Attorney-General Adolf and District Attorney Hayward.

The Government's injunction proceedings were said to be an outgrowth of the revelations developed by the Lockwood committee in New York, inquiring into building material combinations and frauds.

Attorney-General Daugherty did not announce names of the open price groups which are to be named defendants in the action to be begun at New York.

This suit is to be followed probably by similar actions in other cities where practices equivalent to price fixing are charged against manufacturers and dealers in building materials.

The Attorney-General stated that from now on the Government will pursue a vigorous policy toward such associations, which were warned that their methods were illegal, but which have continued to use them in defiance of the Government's advice that they be discontinued.

Need for additional special attorneys and investigators may force the Attorney-General to go to Congress for a special appropriation for this purpose.

Some of the estimates are that \$250,000 may be needed by the Department of Justice if its drive is carried through as planned.

Mr. Daugherty has been told by members of the finance committee of Congress he can expect strong support for requests for more money if it is necessary to the Government's program.

Samuel Untermyer, who had an appointment to confer with the Attorney-General and his staff here to-morrow, wired Mr. Daugherty that he will not be able to be here before Thursday.

There will then be a general conference on the building materials situation and the various means to be adopted by the Government to eradicate the trade abuses which are now made the basis of complaints from all parts of the United States.

## HIRSHFIELD ATTACKS HOUSING LEAGUE PLAN

Anti-Hylan Political Machine Feared.

The Hylan administration renewed yesterday its attack upon Nathan Hirsch and Samuel Untermyer in their efforts to organize the Citizens Protective Housing League with a membership of 300,000 at \$1 apiece.

Yesterday's attack came from David Hirschfeld, Commissioner of Accounts. In a letter to Otto B. Shulof, chairman of the Mayor's Committee on Rent Profiteering, and revealed that the reason the Hylan administration is fighting that tenants' movement is the fear that Mr. Hirsch and Mr. Untermyer are trying to build up a political machine inimical to Mayor Hylan.

"In other words," said Mr. Hirschfeld's letter, "300,000 voters with \$300,000 cash are worth trying for, even in the face of criticism upon the theory that with 300,000 voters and their \$300,000 great political possibilities may be in store for himself (Mr. Untermyer) and Nathan. They have taken the precaution to designate Thomas F. Curran, Hirsch's personal stenographer, as treasurer to have and to hold that \$300,000."

## SALE TO-DAY WILL NOT CLOSE THE MANHATTAN

Mrs. Hammerstein Hints She May Repurchase.

Mrs. Oscar Hammerstein said yesterday that, regardless of who purchases the Manhattan Opera House to-day at the Sheriff's sale of the property to satisfy a lien for \$142,324 held by two daughters of the late Oscar Hammerstein, she would remain in possession of the property for at least fifteen months to come, "and," she added, "I am the only person who has the right to repurchase the property within that period of time."

"The purchaser of the Opera House will inherit a cluster of law suits to contend with before the buyer gets actual possession of the house," said Mrs. Hammerstein. "My attorneys are now preparing an appeal from Justice Scott's decision ordering the sale, and we will undoubtedly obtain a reversal of his findings. I am now booking next season's attractions and will respect the house shortly. If Fortune Gallo and the Chicago Opera Company will accede to certain conditions that will be exacted from them, I will allow them to have their allotted time for the coming season. After careful consideration I have deemed it best to book my house for the coming season for the sole purpose of taking care of my creditors."

## WRIGHT SENTENCE SUSPENDED.

Beals C. Wright, former national tennis champion, got a suspended sentence yesterday in West Side Court when he pleaded guilty to an intoxication charge made following his arrest Monday night after an automobile he was driving crashed into another car on Fifth avenue at Fifty-third street. He then went in Traffic Court to answer a charge of reckless driving, but the complainant did not appear, and the case was adjourned until to-day.

## MORGAN J. O'BRIEN BEAT YALE NINE 50 YEARS AGO

Glories of the Judge's Early Career Burst Forth Anew at Luncheon, Where He Is Revealed as a Great Baseball Pitcher.

Few who know Morgan J. O'Brien as a leading lawyer and former Justice of the Supreme Court are aware that one time he started a career as a professional baseball player. The story was told to a group of friends yesterday who gathered to give a luncheon for him at India House in appreciation of the services he had rendered to the American Committee for Relief in Ireland in getting up the big benefit baseball game.

Martin Conboy, who arranged the luncheon, knew that yesterday was the fiftieth anniversary of the day in 1871 when Judge O'Brien, as pitcher for the Fordham University baseball team, was responsible for the defeat of Yale, 14 to 10.

He gathered together a group of baseball fans, all friends of Judge O'Brien, including Father Francis P. Duffy, Nicholas F. Brady, Joseph P. Grace, James J. Hoey and Daniel H. Brady, who used to play ball with the old Montauks in Central Park in the

early eighties. Mr. Conboy presented to him a baseball autographed by President Harding and Gen. Pershing.

Much to the surprise of most of them, Judge O'Brien revealed the fact that the first money he earned after leaving college was as a pitcher for the Chicago White Stockings. He agreed to pitch through the season with them, but lasted only one game because parental wrath had been raised against the choice of a career.

Another story related around the board was of the rivalry between John B. Stanchfield and John Proctor Clarke, now presiding justice of the Appellate Division, as to whether the first curve in college baseball pitching was at Amherst College or at Yale. Justice Clarke named with Hamilton Avery, who pitched a curve ball at Yale in May, 1874. Mr. Stanchfield, who was the chief hurler for Amherst that year, declares he started to use a curve in April of the same year.

Twenty suits to compel the Catholic Benevolent Legion of 186 Remsen street, Brooklyn, to pay the full face of its insurance policies on members have been brought in the Supreme Court, Brooklyn, it was learned yesterday. The Legion, it is stated, reduced its benefits by order of the State Insurance Department, which held its assessments too small.

One case in litigation is the claim of Mary K. Fruta of 1219 St. John's place, who alleges she received but \$135.17 from her father's policy of \$1,000. He was a member thirty-five years. The Legion has stipulated, it is said, that if one case is decided against it it will be guided by that for the others. The organization has 9,000 members and about \$11,000,000 of insurance in force.

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Guy Deppe, 45, the man killed, was arrested yesterday by Chief Stone of the village police force on a charge preferred by the girl's father.

He was out on bail, and had just emerged from his home when the girl shot him. The girl was arrested and is held pending the verdict of the coroner's jury.

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Student Takes Entrance Exams for His Pal, but Deception Is Discovered.

The scheme of William K. Donnellan of Bedford, Mass., and Stephen W. Cauteros of Cleveland to pool their brains in the interests of the United States Army, resulted in their being held in \$500 bonds each yesterday by United States Commissioner Hitchcock. According to the testimony of Peter W. Lamb, an agent for the Department of Justice, Donnellan had the academic strength while Cauteros supplied the persistency.

Ordinarily the combination should have produced something where nothing is flourished before, but Commissioner Hitchcock held that inasmuch as they had utilized their individual talents to defraud the United States Government he was constrained to discourage qualities that, on their face, are admirable.

After the armistice the young men (both being 20 at the time) enlisted in the army and were assigned to Kelly Field, Texas, to help raise the standard of the aviation corps. Both showed aptitude and zeal. Both, in due time, were rewarded by being told they might take entrance examinations for West Point and win commissions. Both passed the entrance examinations. And then their troubles started.

Cauteros found the going hard; the academic work was easy for Donnellan; then came the midyear tests, and Cauteros flunked in mathematics. He was told that this let him out of West Point, but that he might try later—that is, take entrance examinations all over again and begin anew. Mechanically he was a good soldier. But Donnellan not only passed his tests with ease but was apprehended lending a hand to another cadet.

For this he was halted before the Commandant and told that he might resign, but if he did not choose to, the court martial awaited him. Donnellan resigned. He and Cauteros, having become even closer friends, met at Mitchell Field, Mineola, and being bright young men, started a little flying school of their own. They failed to make much money, but this was because it takes capital to conduct a flying school.

Cauteros decided to have another try at West Point, saying that he was sure he could make a go of it the second time. So, according to Lamb, the pair decided that it was up to Donnellan, the scholar, to get the mentally less nimble Clevelander back into the Military Academy. The exams were held March 17 and, according to Lamb, Cauteros did not present himself at the

## DRYDEN AIDS HOLD DEPOSITORY STOCK

Continued from First Page.

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Mr. Duffield objected to this line of examination and the form of the questions, declaring that if it was meant to convey the inference that a fraud had been perpetrated upon the policyholders it meant impugning fraud against the highest court in New Jersey and against a Governor who approved the act of mutualization and "who later became President of the United States." The facts concerning the company's mutualization scheme will be gone into in greater detail by Mr. Untermyer when the Lockwood committee meets to-day.

## INCOME TAX OFFICIAL ARRESTED AS GRAFTER

Dr. P. R. D. Henry Took Fees From Aliens, Is Charged.

Charged with accepting graft from homegoing aliens on the promise to fix their income tax reports favorably, Dr. Percy R. D. Henry, a physician, living at 355 Eastern Parkway, Brooklyn, in charge of the alien income tax office in the Custom House for several months, was arrested yesterday by Internal revenue agents. It is charged that in several instances Dr. Henry accepted fees of \$5 from aliens to show that their income taxes had been paid, whereas he had actually defrauded the Government.

Dr. Henry was arraigned before United States Commissioner Samuel M. Hitchcock and was held in \$1,000 bail to await the action of the Grand Jury.

About a month ago Anthony F. Tomasci, another deputy internal revenue collector, and David H. Hutton, a bank clerk at 62 Wall street, were arrested and charged with defrauding the Government of income tax returns of departing aliens. From information obtained by the agents Dr. Henry worked with these two men in the conspiracy. It is charged that Hutton acted as runner and obtained aliens willing to pay a fee rather than wait in line to pay their taxes.

Government agents could not say how much money the men had collected from aliens, but declared they believed it amounted to several thousand dollars.

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place of examination—the Army Building in Whitehall street—but Donnellan did.

It was easy for the bright Donnellan, and Cauteros returned to West Point. But the Commissioner was told, it was not possible for the team to cooperate with one of them within and the other without the Academy. Lamb said that Cauteros's scholastic strivings again indicated that he fell a trifle short of academic genius. Inasmuch as he had made a high mark in his entrance examinations, the authorities decided to dig into the mystery.

Remembering that Donnellan had been of service to an imperiled cadet before his requested resignation and that Donnellan and Cauteros were boon companions, they decided to compare Cauteros's entrance papers with some of Donnellan's old ones. Lamb said the handwriting settled the issue. The authorities decided that it was Donnellan's.

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